

RESOLUTION NO. RS2019-1532 (VERCHER) – This resolution would authorize the Department of Law to settle the civil rights claim of Mr. Timothy Warren against the Metropolitan Government in the amount of \$160,000.

At 1:32 a.m. on January 1, 2014, Timothy Warren was in the intake lobby of the booking area of the former Criminal Justice Center (“CJC”). Mr. Warren was in for intake and submitted to a pat-down from a corrections officer employed by the Davidson County Sheriff’s Office (DCSO). Based upon video footage, it appeared Mr. Warren spoke with another corrections officer standing nearby during the pat down. Mr. Warren was directed to sit down and did not readily comply. As he walked toward the chair, Mr. Warren turned back to the corrections officer. The corrections officer then punched Mr. Warren in the face, knocking him to the ground. Mr. Warren was subdued by both corrections officers and a third corrections officer grabbed Mr. Warren’s legs. The third officer repeatedly slammed Mr. Warren’s legs to the ground. A fourth corrections officer sprayed Mr. Warren with pepper spray. As a result of the altercation, Mr. Warren suffered a right ankle fracture and dislocation.

Mr. Warren sought treatment and initial medical care related to his broken ankle was paid by Metro while he was incarcerated, valued at \$9,500. Mr. Warren has agreed to accept a total of \$160,000 in full settlement of this case, based upon \$110,000 for reimbursement of his medical expenses, future medical expenses, pain & suffering, and emotional distress, plus \$50,000 for his attorney’s fees.

Mr. Warren brought claims against Metro for deliberate indifference to the use of force by the corrections officers and a claim of inadequate training of these officers. The Department of Law recommends settlement of this claim for \$110,000 to Mr. Warren and attorney’s fees of \$50,000, for a total of \$160,000.

After an investigation, two of the corrections officers were issued charge letters for improper use of force and appeared before a disciplinary board. During the disciplinary hearing, the corrections officer who initially punched Mr. Warren acknowledged that he was trained to not strike in the face, that what he did was wrong, and that he overreacted. That officer was given a five-day suspension. However, a copy of the disciplinary finding letter was not given to the employee within 10 days of its entry as required by Civil Service Rule 6.6. As a result, the suspension never went into effect. (The DCSO has made internal practice changes to ensure that disciplined corrections officers are served properly in the future.) The other officer was found not guilty of excessive use of force by the disciplinary board. The two other officers involved were voluntarily dismissed from the lawsuit and did not receive any disciplinary action.

There are pending charges against two of the officers involved for aggravated assault. This settlement does not encompass the claims against them.

Fiscal Note: This \$160,000 settlement would be the third payment from the Judgments and Losses Fund in FY19 for a cumulative total of \$405,000. The fund balance would be \$2,646,915 after this payment.